



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Francisco Gonzalez

T/N Rafael De Los Rios

Defendant.

09-MJ-2772

ORDER OF DETENTION AFTER HEARING  
(18 U.S.C. § 3142(i))

I.

A.  On motion of the Government involving an alleged

1.  crime of violence;

2.  offense with maximum sentence of life imprisonment or death;

3.  narcotics or controlled substance offense with maximum sentence of ten or more years (21 U.S.C. §§ 801, /951, et seq., /955a);

4.  felony - defendant convicted of two or more prior offenses described above;

5.  any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

B.  On motion  (by the Government) /  (by the Court sua sponte involving)

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ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))

- 1      1. (  ) serious risk defendant will flee;
- 2      2. (  ) serious risk defendant will
  - 3            a. (  ) obstruct or attempt to obstruct justice;
  - 4            b. (  ) threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

5            *on the present stage of the record and without pre-judge that*  
6      The Court finds no condition or combination of conditions will reasonably assure:

- 7      A. (  ) appearance of defendant as required; and/or
- 8      B. (  ) safety of any person or the community.

9            III.

10      The Court has considered:

- 11     A. (  ) the nature and circumstances of the offense, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
- 12     B. (  ) the weight of evidence against the defendant;
- 13     C. (  ) the history and characteristics of the defendant;
- 14     D. (  ) the nature and seriousness of the danger to any person or to the community.

17            IV.

18      The Court concludes:

- 19     A. (  ) Defendant poses a risk to the safety of other persons or the community because:

20      *prior record*  
21  
22  
23  
24  
25  
26      ///  
27      ///  
28      ///

B. History and characteristics indicate a serious risk that defendant will flee because:

2 nature of charge; illegal alien with  
3 no known bail resources; multiple aliases

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 C. ( ) A serious risk exists that defendant will:

9           1. ( ) obstruct or attempt to obstruct justice;  
10          2. ( ) threaten, injure or intimidate a witness/ juror, because:

11 \_\_\_\_\_

12 \_\_\_\_\_

13 \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 \_\_\_\_\_

17 D. ( ) Defendant has not rebutted by sufficient evidence to the contrary the presumption  
18 provided in 18 U.S.C. § 3142 (e).

19 IT IS ORDERED that defendant be detained prior to trial.

IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections facility separate from persons awaiting or serving sentences or persons held pending appeal.

IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private consultation with his counsel.

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25 | Page

26 DATED: 12/3/09   
U.S. MAGISTRATE / DISTRICT JUDGE

U.S. MAGISTRATE/JUDGE

DATED: 12/3/09

*[Handwritten signature]*

**U.S. MAGISTRATE / DISTRICT JUDGE**